

## **REMARKS**

Claims 1, 4-5, 10, 18-23 and 25-38 are now pending in the application. Claims 1, 4-5, 10, 18-23 and 25-38 stand rejected.

The Examiner is respectfully requested to reconsider and allow the subject application in view of the remarks contained herein.

### **REJECTION UNDER 35 U.S.C. § 103**

A. Claims 1, 5, 10, 27-36 and 38 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Suzuki et al. (U.S. Pat. App. No. 10/766,565) in view of Tanaka et al. (U.S. Pat. App. No. 10/473,803). This rejection is respectfully traversed.

1. Regarding Claims 1, 5 and 10, Applicants respectfully submit that the Office has failed to establish a prima facie case of obviousness.

1a. The Federal Circuit has repeatedly held, when the Office is not able to establish a prima facie case of unpatentability, without more, Applicants are entitled to the grant of the patent. See e.g., In re Oetiker, 24 USPQ2d 1443, 1444 (Fed. Cir. 1992).

Applicants, respectfully submit that to establish a prima facie case of obviousness there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to combine or modify the references. MPEP § 2143. As explained by the Federal Circuit, “[o]bviousness cannot be established by combining the teaching of the prior art to produce the claimed invention, absent some teaching, suggestion or incentive supporting the combination.” *In re Geiger*, 2 USPQ2d

1276, 1278 (Fed. Cir. 1987), citing, ACS Hospital Systems, Inc. v. Mantefiore Hospital, 221 USPQ 929, 933 (Fed. Cir. 1984). Furthermore, under Section 103, "it is impermissible... to choose from any one reference only so much of it as will support a given position, to the exclusion of other parts necessary to the full appreciation of what such reference fairly suggests to one of ordinary skill in the art." In re Wesslau, 147 USPQ 391, 393 (CCPA) 1965.

Applicants respectfully submit that the Office has merely viewed, and subjectively interpreted, figures 10, 12, 17 and 18 of Suzuki et al. in a manner motivated to merely support the Office's predetermined position, without giving proper consideration to the teaching set forth in the detailed description of Suzuki et al. For example, Applicants respectfully submit that upon reading the disclosure of Suzuki et al., and interpreting figures 10, 12 and 17 in light of that disclosure, Suzuki et al. clearly discloses that the supply transport pod 1 is necessarily coupled to a *closed forced air supply*. Particularly, as clearly set forth in the specification of Suzuki et al., Figures 10, 12 and 17 illustrate the supply transport pod 1 that is to be connected to the closed forced air system including fan 7 and battery 9. For example, see paragraph [0141] and [0143].

Furthermore, one of skill in the art would readily understand that the supply transport pod 1 including the filters 5, 6 and 8, of Suzuki et al. necessarily requires the described closed forced air system including fan 7 and battery 9 so that the air is forced through the filters 5, 6 and 8. Absent the forced air system including fan and battery 7 and 9, the filter system of Suzuki et al. would be rendered essentially non-functional.

Further yet, Applicants respectfully point out that figures 12 and 18 of Suzuki et al. fail to disclose, among other things, a first HEPA filter element and a second water vapor filter element, as recited in Claim 1. Thus, Applicants respectfully submit that contrary to the Office's comments, figures 12 and 18 fail to disclose the limitations of Claim 1 that the Office states Suzuki et al. provides.

Additionally, Applicants respectfully submit that "[d]etermination of whether a new combination of known elements would have been obvious to one of ordinary skill depends on various factors, including whether the elements exist in analogous art, that is, art that is reasonably pertinent to the problem with which the inventor is concerned." In Re Gorman, 933 F.2d 982, 18 USPQ2d 1885.

Applicants submit that Suzuki constitutes non-analogous art, and therefore cannot form the basis of a §103 rejection. More specifically, Suzuki relates to substrate transport pods, located in highly clean air-filtered environments called "clean rooms," for storing or transporting silicon wafers. See paragraphs 0003, 0005 and 0116-0117. Suzuki, accordingly, is not in the same field of endeavor as the instant application, which relates to *outdoor* equipment enclosures, located outside and in potentially harsh environments, for housing and cooling electronic equipment such as telecommunication equipment, cable television equipment and/or data transmission equipment. See paragraph 0004 of the instant application. Moreover, Suzuki cannot be said to be reasonably pertinent because one skilled in the art of outdoor equipment enclosures would not consider or even find Suzuki's disclosure related to substrate transport pods for semiconductor clean rooms.

Thus, Applicants respectfully submit that it is apparent that the Office has not interpreted figures 10, 12, 17 and 18 of Suzuki et al. in light of the corresponding specification, but rather merely picked certain features of the reference that support a predetermined position without interpreting the reference as whole. Furthermore, Applicants respectfully submit that Suzuki et al. is non-analogous art. Therefore, Applicants respectfully submit that the present §103 rejection of Claim 1 is improper and should be withdrawn.

Claims 5 and 10 depend from Claim 1, accordingly Applicants submit that, in light of their dependence on Claim 1, the present §103 rejections of Claims 5 and 10 are also improper and should be withdrawn.

**1b.** Further regarding Claims 1, 5 and 10, Applicants further submit that neither Suzuki et al. nor Tanaka, individually or in combination describe, show or suggest a filter system for an outdoor electronic equipment enclosure having the limitation as recited in Claim 1. For example, neither Suzuki et al. nor Tanaka et al, individually or in combination describe, show or suggest a filter system for an *electronic equipment enclosure for an outdoor environment having an inlet for intaking ambient air from the outdoor environment*, as recited by Claim 1.

Rather, as shown and described in figures 10, 11, 12, 13, 14, 15, 16 and 17, Suzuki et al. discloses a substrate transport pod 1 including an air supply opening 21 and a discharge opening 22 connected to a *closed* forced air system. The forced air system including a fan 7 and a battery 9 that creates a *recycled air flow* through the pod 1, via supply and discharge openings 21 and 22. Particularly, the openings 21 and 22 do not intake ambient air and output air to

the ambient external environment. Rather, the air that enters the opening 21 of Suzuki et al. is *re-circulated filtered air* from the transport pod 1 itself, rather than ambient air from the external environment.

Applicants respectfully point out that although figures 10, 12 and 17, referred to in the Office's comments, do not specifically illustrate openings 21 and 22 connected to the forced air system, the related description and figures (e.g., figures 11, 13 and 16) in Suzuki et al. describe and illustrate that the openings 21 and 22 are coupled to such a forced air system. Additionally, one skilled in the art would readily recognize that the force air system including fan 7 and battery 9 is necessarily required to create an air flow that forces the air through the filtering system (i.e., filters 5, 6 and 8) of Suzuki et al. Absent the forced air system, the filter system of Suzuki et al. would be rendered essentially non-functional.

Additionally, Figure 18 and the related description of Suzuki et al., also referred to in the Office's comments, fails to disclose a first and second filter element, as recited in Claim 1.

Furthermore, the teachings of Tanaka et al. fail to overcome the shortcomings of the Suzuki reference discussed above.

Therefore, Applicants respectfully submit that Claim 1 is patentable over Suzuki et al. in view of Tanaka et al. Claims 5 and 10 depend from Claim 1. Accordingly, when the recitations of Claims 5 and 10 are considered in combination with the recitations of Claim 1, Applicants submit that Claims 5 and 10 are likewise patentable over Suzuki et al. in view of Tanaka et al.

Accordingly, Applicants respectfully submit that Claim 1 is patentable over Suzuki et al. in view of Tanaka et al.

Thus, Applicants respectfully submit that the present rejections of Claims 1, 5 and 10 are improper, and further submit that Claims 1, 5 and 10 are patentable over Suzuki et al. in view of Tanaka et al.

2. Regarding Claims 27-36 and 38, Claim 27 recites limitations similar to those recited in Claim 1. Therefore, in accordance with the remarks set forth above with regard to Claim 1, Applicants respectfully submit that the present §103 rejection of Claim 27 is also improper and should be withdrawn, and further submit that Claim 27 is also patentable over Suzuki et al. in view of Tanaka et al.

Accordingly, when the recitations of Claims 28-36 and 38 are considered in combination with the recitations of Claim 27, Applicants respectfully submit that the present §103 rejections of Claims 28-36 and 38 are also improper and should be withdrawn, and further submit that Claims 28-36 and 38 are also patentable over Suzuki et al. in view of Tanaka et al.

For at least the reasons set forth above, Applicants respectfully request that §103 rejection of Claims 1, 5, 10, 27-36 and 38 be withdrawn.

B. Claims 4 and 37 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Suzuki et al. (U.S. Pat. App. No. 10/766,565) in view of Tanaka et al. (U.S. Pat. App. No. 10/473,803), Greisz et al. (U.S. Pat. Pat. No. 5,730,770) and Van Winkle, Sr. (U.S. Pat. Pat. No. 5,942,017). This rejection is respectfully traversed.

Claims 4 and 37 respectively depend from Claims 1 and 27. As set forth above, Applicants submit that the §103 rejections of Claims 1 and 27 are improper. Furthermore, Applicants have submitted that Claims 1 and 27 are patentable over Suzuki et al. in view of Tanaka et al. Accordingly, Applicants respectfully submit that the §103 rejections of Claims 1 and 27 based on Suzuki et al. in view of Tanaka et al., Greisz et al. and Van Winkle, Sr. are also improper, and further that Claims 1 and 27 are also patentable over Suzuki et al. in view of Tanaka et al., Greisz et al. and Van Winkle, Sr.

Thus, when the recitations of Claims 4 and 37 are respectively considered in combination with the recitations of Claims 1 and 27, Applicants submit that the present §103 rejections of Claims 4 and 37 are improper and should be withdrawn, and that Claims 4 and 37 are likewise patentable over Suzuki et al. in view of Tanaka et al., Greisz et al. and Van Winkle, Sr.

For at least the reasons set forth above, Applicants respectfully request that §103 rejection of Claims 4 and 37 be withdrawn.

C. Claims 18-26 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Suzuki et al. (U.S. Pat. App. No. 10/766,565) in view of Tanaka et al. (U.S. Pat. App. No. 10/473,803), and Chung et al. (U.S. Pat. Pat. No. 6,660,070 B2). This rejection is respectfully traversed.

Claims 18-26 depend from Claim 1. As set forth above, Applicants submit that the §103 rejection of Claim 1 is improper. Furthermore, Applicants have submitted that Claim 1 is patentable over Suzuki et al. in view of Tanaka et al. Accordingly, Applicants respectfully submit that the §103 rejection of Claim 1 based on Suzuki et al. in view of

Tanaka et al. and Chung et al. is also improper, and further that Claims 1 and 27 are also patentable over Suzuki et al. in view of Tanaka et al. and Chung et al.

Thus, when the recitations of Claims 18-26 are considered in combination with the recitations of Claim 1, Applicants submit that the present §103 rejections of Claims 18-26 are improper and should be withdrawn, and that Claims 18-26 are likewise patentable over Suzuki et al. in view of Tanaka et al. and Chung et al.

For at least the reasons set forth above, Applicants respectfully request that §103 rejection of Claims 18-26 be withdrawn.



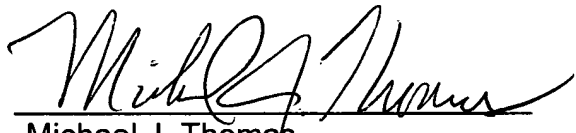
CONCLUSION



It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action and the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (314) 726-7500.

Respectfully submitted,

Dated: 12-15-06

By:   
Michael J. Thomas  
Reg. No. 39,857

HARNESS, DICKEY & PIERCE, P.L.C.  
7700 Bonhomme, Suite 400  
St. Louis, Missouri 63105  
(314) 726-7500